poration v. *Industrial Com. of Ohio*, 236 U. S. 230; *Block* v. *City of Chicago*, 239 Ill. 251, 87 N. E. 1011, 130 Am. St. Rep. 219. See 13 MICH. L. REV. 515; 14 MICH. L. REV. 138. It is not a delegation of legislative authority for the state legislature to clothe an administrative board or officer with power to issue permits to exhibit moving pictures when the picture is not immoral or obscene, though the circumstances of the case necessitate the use of discretion. *Mutual Film Corporation* v. *Industrial Com. of Ohio, supra; Mutual Film Corporation* v. *Hodges*, 236 U. S. 248. Nor does the censorship by a state board of moving pictures intended for exhibition within the state interfere with interstate commerce. *Mutual Film Corporation* v. *Industrial Com. of Ohio, supra.* Nor is it discriminatory or unreasonable. *Block* v. *City of Chicago, supra.* A state statute providing for the censorship of moving pictures does not violate a clause in the state constitution guaranteeing the freedom of the press. *Mutual Film Corporation* v. *Industrial Com. of Ohio, supra; Mutual Film Corporation* v. *Hodges, supra.* See 2 VA. L. REV. 216. It has been held that an ordinance giving a chief of police power to issue permits to exhibit moving pictures, and further providing that no permit should be issued to show any immoral or obscene picture, is not a delegation of a discretionary or judicial power by the legislature; and also that such an ordinance did not deny one due process of law, since no one has the right to exhibit immoral pictures. *Block* v. *City of Chicago, supra.*

CONSTITUTIONAL LAW—POLICE POWER—MUNICIPAL CORPORATIONS—SEGREGATION OF RACES.—A city council passed an ordinance making it unlawful for members of one race to occupy, as a place of abode, a house in a block where the majority of the residences were occupied by members of the other race. The ordinance contained no provision protecting rights already vested. The defendant, a negro, moved into a block where a majority of the residences were occupied by white people. Defendant was prosecuted for violating the ordinance and defended on the ground that it was invalid. *Held,* the ordinance is valid, as to rights vesting after its enactment. *Hopkins* v. *City of Richmond* (Va.), 86 S. E. 139. See NOTES, p. 304.

FEDERAL EMPLOYERS' LIABILITY ACT—ACTION IN STATE COURT—JURY.—An action was brought under the Federal Employers' Act in the court of a state, which by statute, provided for a civil jury of seven. *Held,* The Seventh Amendment of the Constitution of the United States does not apply to actions under the Act in state courts; and that the action might be tried by a jury of seven. *Chesapeake & O. R. R. Co.* v. *Carnahan* (Va.), 86 S. E. 863. See NOTES, p. 312.

INSURANCE—MUTUAL BENEFIT INSURANCE—RIGHTS OF BENEFICIARY.—The insured took out a life insurance policy in a benefit insurance society, payable at his death to certain beneficiaries. Subsequently, the insured became feeble in health and weak in mind, and therefore easily influenced; and the defendant, one of the beneficiaries, induced him to make the policy payable to her alone. On his death the defendant collected the amount due under the policy; and the plaintiff, another beneficiary,

brought an action for damages against the defendant for the amount she would have received under the original policy. *Held,* the plaintiff can recover. *Mitchell* v. *Langley* (Ga.), 85 S. E. 1050.

Where the insured is in such a mental condition at the time of changing the beneficiary that he is incapable of making a contract, the change is void and the original beneficiary is entitled to the money under the policy. *Cason* v. *Owens,* 100 Ga. 142, 28 S. E. 75; *Sovereign Camp Woodmen of the World* v. *Wood,* 114 Mo. App. 471, 89 S. W. 891. So, also, where the insured's mind is impaired to such a degree that he is incapable of transacting any business that requires the exercise of judgment and discretion. *Offil* v. *Supreme Lodge Knights of Honor,* 101 Tenn. 16, 46 S. W. 758. But, where the insured is of sound mind, the original beneficiary, having no vested interest in the policy cannot collect its proceeds from the new beneficiary, even though fraud and undue influence are practiced. *Hoeft* v. *Supreme Lodge Knights of Honor,* 113 Cal. 91, 45 Pac. 185, 33 L. R. A. 174. *Contra,* see 4 COOLEY, INSURANCE, 3775.

It will be observed that these cases are suits in equity to annul the act of naming a new beneficiary, so that the original one can claim the proceeds under the policy; while the principal case is an action at law for damages. This appears to be the first time an action at law for damages has been brought under an insurance policy in a case of this kind. But the fact that an action is new and without precedent is not conclusive against the plaintiff's recovery, if he is shown to have suffered a wrong. *Kujeck* v. *Goldman,* 150 N. Y. 176, 44 N. E. 773, 55 Am. St. Rep. 670, 34 L. R. A. 156. It is settled that if a person is deprived of a benefit which he would have received had it not been for the fraudulent and unlawful interference of a third party, he is entitled to recover from the third party, where the fraudulent representation was the proximate cause of his loss. *Angle* v. *Chicago, etc., Ry. Co.,* 151 U. S. 1; *Moran* v. *Dunphy,* 177 Mass. 485, 59 N. E. 125, 83 Am. St. Rep. 289, 52 L. R. A. 115; *Rice* v. *Manley,* 66 N. Y. 82, 23 Am. Rep. 30. Consequently the decision of the principal case seems sound.

MASTER AND SERVANT—LIABILITY FOR INJURIES—CONFORMITY TO CUSTOMARY USAGE.—The plaintiff, an employee, was injured as a result of his clothing being caught by a setscrew which protected about an inch above the surface of a collar on a swiftly revolving piece of machinery. In an action, for damages for the negligence of the employer the fact of customary usage was set up as a defense. *Held,* proof of customary usage is not conclusive of the employer's nonliability. *Sanford-Day Iron Works* v. *Moore* (Tenn.), 179 S. W. 373.

The universal doctrine is that an employer does not owe the employee the duty of furnishing the safest or best known appliances. He performs his duty when he furnishes reasonably safe appliances. *Keith* v. *Granite Mills,* 126 Mass. 90; *Burke* v. *Witherbee,* 98 N. Y. 562; *Fenderson* v. *Atlantic City Ry. Co.,* 56 N. J. L. 708, 31 Atl. 767. There is conflict, however, as to what weight the common usage of an appliance bears to its reasonable safeness. Some courts maintain the doctrine that the employer owes the employee the duty of furnishing appliances